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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,784	03/23/2004	Shmuel Shaffer	062891.1244	4300
5073	7590	11/15/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				JACOBS, LASHONDA T
		ART UNIT		PAPER NUMBER
		2157		

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/807,784	SHAFFER ET AL.
	Examiner LaShonda T. Jacobs	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on August 29, 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8,10-18,20-29 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8,10-18,20-29 and 31-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Amendment

This is a Final Office Action in response to Applicants Amendment filed on August 29, 2006.

Claims 1, 12, 23 and 34-37 have been amended. Claims 9, 19 and 30 have been cancelled.

Claims 1-8, 10-18, 20-29 and 31-37 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10-18, 20-29 and 31-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoakum et al (hereinafter, “Yoakum”, U.S. Pat. No. 6,658,095).

As per claims 1, 12, 23 and 34, Yoakum discloses a system, method and logic for presence-based management in a communication network, the system comprising:

- an instant messaging (IM) and presence server coupled to one or more network devices in a communication network, the network devices coupling two or more endpoints to each other and enabling communication between a first one of the endpoints and one or more second ones of the endpoints (col. 9, lines 46-65), the IM and presence server being operable to:

- using IM, discover one or more of the network devices (col. 9, lines 56-67 and col. 10, lines 1-10);
- using IM, obtain presence information on the discovered network devices from the discovered network devices (col. 10, lines 17-44); and
- using the presence information on the discovered network devices from the discovered network devices, maintain presence data associated with the discovered network devices, an authorized user at an endpoint is able, using IM, to instruct one or more discovered network device to perform one or more particular tasks (col. 11, lines 50-67, col. 12, lines 1-9 and lines 13-35).

As per claims **2, 13 and 24**, Yoakum discloses:

- wherein presence information on a discovered network device indicates a current presence status of the discovered network device (col. 11, lines 50-67 and col. 12, lines 1-9).

As per claims **3, 14 and 25**, Yoakum discloses:

- wherein one or more portions of the communication network together comprise a trust domain (col. 3, lines 62-67 and col. 4, lines 1-15).

As per claims **4, 15 and 26**, Yoakum discloses wherein:

- the IM and presence server and one or more of the network devices support one or more of Session Initiation Protocol (SIP) and SIP for Instant Messaging and Presence-Leveraging Extensions (SIMPLE) Protocol (col. 9, lines 46-65); and

- the IM and presence server uses SIP, SIMPLE Protocol, or both to discover one or more of the network devices and obtain presence information on the discovered network devices from the discovered network devices (col. 9, lines 46-65).

As per claims **5, 16** and **27**, Yoakum discloses:

- wherein, using IM, a network device automatically communicates a publish message to the IM and presence server in response to the network device booting up, the publish message discovering the network device to the IM and presence server .

As per claims **6, 17** and **28**, Yoakum discloses:

- wherein, using IM, a network device communicates a publish message to the IM and presence server in response to a discovery request from the IM and presence server, the publish message discovering the network device to the IM and presence server (col. 9, lines 66-67 and col. 10, lines 1-10).

As per claims **7, 18** and **29**, Yoakum discloses wherein:

- an authorized user at an endpoint is able to subscribe to status notifications on one or more discovered network devices from the IM and presence server, a status notification comprising presence information on one or more discovered network devices (col. 11, lines 50-67 and col. 12, lines 1-9);
- the IM and presence server communicating the status notifications to the user at the endpoint using IM (col. 11, lines 50-67 and col. 12, lines 1-9).

As per claims **9, 20** and **31**, Yoakum discloses:

- wherein an authorized user at an endpoint is able, using IM, to instruct one or more discovered network devices to perform one or more particular tasks col. 11, lines 50-67 and col. 12, lines 1-9).

As per claims **10, 21 and 32**, Yoakum discloses:

- wherein an authorized user at an endpoint is able, using IM, to manage one or more discovered network devices across one or more network boundaries between the endpoint and the one or more network devices col. 11, lines 50-67 and col. 12, lines 1-9).

As per claims **11, 22 and 33**, Yoakum discloses:

- wherein an authorized user at an endpoint is able to manage one or more discovered network devices using an IM and presence client (IMPC) at the endpoint, the authorized user providing input to and receiving output gone the IMPC via a network-management application operable to generate a graphical user interface (GU1) for managing the one or more discovered network devices col. 11, lines 50-67 and col. 12, lines 1-9).

As per claim **35**, Yoakum discloses a system for network, the system comprising:

- an instant messaging (IM) and presence server coupled to one or more network devices in a communication network, the network devices coupling two or more endpoints to each other and enabling communication between a first one of the presence-based management in a communication endpoints and one or more second ones of the endpoints (col. 9, lines 46-65), the IM and presence server being operable to:
 - using IM and one or more of Session Initiation Protocol (SIP) and SIP for Instant Messaging and Presence-Leveraging Extensions (SIMPLE) Protocol, discover one or more of the network devices (col. 9, lines 46-65);

- using IM and one or more of SIP and SIMPLE Protocol, obtain presence information on the discovered network devices from the discovered network devices, presence information on a discovered network device indicating a current presence status of the discovered network device (col. 9, lines 56-67, col. 10, lines 1-10 and lines 17-44); and
- using the presence information on the discovered network devices from the discovered network devices, maintain presence data associated with the discovered network devices, wherein an authorized user at an endpoint is able, using IM, to instruct one or more discovered network devices to perform one or more particular tasks (col. 11, lines 50-67, col. 12, lines 1-9 and lines 13-35).

- As per claim 36, Yoakum discloses a system for presence-based management in a communication network, the system comprising:
 - a first device in a communication network (col. 9, lines 56-65); and
 - a second device in the communication network, the second device operable to convey to the first device a presence of the second device in the communication network that is independent of a presence of a human user, wherein an authorized user at an endpoint is able, using IM, to instruct one or more discovered network devices to perform one or more particular tasks to perform one or more particular tasks (col. 10, lines 29-43, col. 11, lines 50-67, col. 12, lines 1-9 and lines 13-35).

As per claim 37, Yoakum discloses a system for presence-based management in a communication network, the system comprising:

- a first device in a communication network operable to communicate with a second device in the communication network using instant messaging (IM) independent of first user

input at the first device and independent of second user input at the second device ,
wherein an authorized user at an endpoint is able, using IM, to instruct one or more
discovered network devices to perform one or more particular tasks to perform one or
more particular tasks (col. 7, lines 45-49, col. 10, lines 29-43, col. 11, lines 50-67 , col.
12, lines 1-9 and lines 13-35).

Response to Arguments

3. Applicant's arguments filed August 9, 2006 have been fully considered but they are not persuasive.

The Office notes the following arguments:

a. Yoakum does not teach, “wherein an authorized user at an endpoint is able, using IM, to instruct one or more discovered network devices to perform one or more particular tasks to perform one or more particular tasks”.

In response to:

a. Applicants argues that Yoakum does not teach an authorized user at an endpoint is able, using IM, to obtain presence information on a discovered network device from the discovered network device to perform one or more particular tasks”. However the Examiner disagrees with this assertion. Yoakum teaches a presence system capable of monitoring state information from devices over a network. The users of the presence system configure the devices in order to start sending status information to a certain entity associated with the presence system (col. 7, lines 45-49). Therefore, Yoakum does teach an authorized user at an endpoint is able, using IM, to obtain presence information on a discovered network device from the discovered network device

to perform one or more particular tasks since the users of the system can configure devices to sending status information to a certain entity. The Examiner interprets the “instruct one or more discovered network devices to perform one or more particular tasks by an authorized user” as the users of the system configuring the devices to start sending status messages to a certain entity. Also, the Examiner interprets the “one or more tasks” as “sending status information”. Applicant is reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater* 162 USPQ 541, 550-51 (CCPA 1969). Hence, for the above reasons, it is believed that the rejection under 35 U.S.C. 102 provides substantial evidence to support the rationale statement in the above rejection. The rejection under 35 U.S.C. 102 should be sustained.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
November 10, 2006


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100